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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,611	01/09/2002	Thomas E. Pank		2664

7590 05/09/2003
William D. Hall, Esq.
10850 Stanmore Drive
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EXAMINER

UPTON, CHRISTOPHER

ART UNIT	PAPER NUMBER
1724	

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 040611Applicant(s) PankExaminer UptonGroup Art Unit
1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 16, 17 and 21-38 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 16, 17, 21, 23, 25, 31, 37 and 38 is/are rejected.
- ☒ Claim(s) 22, 24, 26-30 and 32-36 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☒ The proposed drawing correction, filed on 2/26/02 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3, 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ricketts.

Ricketts discloses a container having a first filter with an inlet along its axis and a concentric second filter, each with their own input and output (the output of the first filter being adjacent to and feeding the input of the second layer) as claimed.

3. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Haefner.

Haefner discloses a container having a first filter with an inlet along its axis (k') and a concentric second filter, with its own input (k), and each filter having its own output as claimed.

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4. Claims 21, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Shillington.

Shillington discloses a reservoir (4) connected to plural multilayer gravity filter cells (figures 1-3), where the layers are adjacent at their horizontal sides, as claimed.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shillington as applied to claim 21 above, and further in view of Haselden or Gates.

Claim 31 differs from claim 21 in recitation of the reservoir being below the cells and having a vertical conduit for forcing the liquid through the filters. It is well known to configure a filter in an upflow mode, as exemplified by Haselden and Gates. It would therefore have been obvious for one of ordinary skill in the art to configure the filters of Shillington to an upflow mode, depending on the site configuration. Note that Shillington discloses multiple flow configurations.

6. Claims 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Ernst or Hood.

Ernst and Hood disclose multilayer filters having a first layer with an inlet at one end, an adjacent second filter closed at both ends, with the liquid flowing through the side of the first layer to the second layer, as claimed.

7. Claims 22, 26-30 and 32-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The recitation of a filtering system having an inlet, a reservoir with an outlet feeding a plurality of adjacent filter cells, each having a layer receiving water and passing the water to another layer, where the other layer has a horizontal side adjacent to the first layer and a drain adjacent another horizontal side, and wherein the cells are circular and concentric patentably distinguishes over the prior art of record.

8. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of a filtering system having an inlet, a reservoir with an outlet feeding a plurality of adjacent filter cells, each having a layer receiving water and passing the water to another layer, where the other layer has a horizontal side adjacent to the first layer and a drain adjacent another horizontal side, and wherein one layer is open at one end and blocked at the other, and the other layer has an end adjacent to the reservoir and is blocked at both ends patentably distinguishes over the prior art of record.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references of interest include Sponenbarger, Laughlin, Warden, Philabert, Glover, Lawson and Anderson.

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10. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a horizontal line.

**CHRISTOPHER UPTON
PRIMARY EXAMINER**